IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.400 of 2006

Shri Shamrao Ganu @ Ganpati Koli
and anr. Petitioners
Vs.
The State of Maharashtra & anr. Respondent

Ms.Shakuntala A. Mudbidri for petitioners.
Mrs.S.S.Miskin for resp.no.2.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 2, 2007.

P.C.

. Heard the learned counsel for the respective parties. As noted in the order dated 28/7/2006 the parties were desirous of reconciling and, therefore, they came together so as to live a happy matrimonial life. The wife filed an affidavit on 24/1/2006 and stated that she did not want to prosecute the case any further and prayed before this Court to allow both the parties to compound the offence by relying upon the decision of the Supreme Court in the case of B.S. Joshi & anr. Vs. State of Haryana and anr. **[2003 (4) SCC 675]**. However, this Court had some apprehensions about the fair deal being offered to the wife by looking to the allegations that the petitioner no.1 was staying with the petitioner no.2 who was his mistress and, therefore, to test the

compromise as being genuine this Court deemed it appropriate to grant one year's time to the petitioner no.1 - husband and the respondent no.2 - wife.

. Today the learned counsel for the husband and wife state that they have been living together happily for the last more than one year and there have been no skirmishes or any other instances indicating any discord between them in the matrimonial relationship. Hence they pray that the proceedings in Criminal Appeal No.12 of 2004 pending before the Addl. Sessions Judge, Jaysingpur arising from the judgment and order passed in Criminal Case No.32 of 1999 by the JMFC, Kurundwad be quashed and set aside by invoking powers of this Court under Section 482 of Cr.P.C.

. Such application was preferred before the lower Appellate Court at Exhibit 25 and the same came to be rejected on 9/12/2005 by the learned Addl. Sessions Judge at Jaysingpur. As has been held in the case of B.S. Joshi (Supra) the special features in the matrimonial matters require the High Courts to encourage genuine settlements of matrimonial disputes

and the hypertechnical view would be counterproductive and would act against the interest of women. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier and that would not be the object of Chapter XX-A of IPC.

. Hence the application is allowed and the proceedings in Criminal Appeal No.12 of 2004 pending before the Addl. Sessions Judge, Jaysingpur arising from the judgment and order passed in Criminal Case No.32 of 1999 by the JMFC, Kurundwad are hereby quashed and set aside.

(B.H.MARL